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*Attorneys for Debtors and Debtors
in Possession*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

In re:

EASY STREET HOLDING, LLC, *et al.*,

Debtors.

Tax ID Numbers:
35-2183713 (Easy Street Holding, LLC),
20-4502979 (Easy Street Partners, LLC), and
84-1685764 (Easy Street Mezzanine, LLC)

Bankr. Case No. 09-29905

Jointly Administered with Bankr. Case
Nos. 09-29907 and 09-29908

Chapter 11

Honorable R. Kimball Mosier

[FILED ELECTRONICALLY]

**NOTICE OF RULE 30(b)(6) DEPOSITION OF JACOBSEN
NATIONAL GROUP, INC. d/b/a JACOBSEN CONSTRUCTION**

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, made applicable in this contested matter pursuant to Rule 9014 and 7030 of the Federal Rules of Bankruptcy Procedure, WestLB, AG (“**WestLB**”), a secured creditor in the above-captioned bankruptcy proceeding, by and through its counsel, and the debtors Easy Street Holding, LLC, Easy Street Partners, LLC and Easy Street Mezzanine (collectively, the “**Debtors**”), by and through their counsel, shall conduct an oral examination of Jacobsen National Group, Inc. d/b/a Jacobsen Construction (“**Jacobsen**”) at the offices of Dorsey & Whitney, LLP, 136 South Main Street, Suite 1000, Salt Lake City, Utah 84101 on **Thursday, January 14, 2010 at 10:00 a.m.**

PLEASE TAKE FURTHER NOTICE that the deposition will be taken upon oral interrogatories before a certified shorthand reporter pursuant to and for the purposes permitted by Rule 30 of the Federal Rules of Civil Procedure.

Jacobsen shall designate for oral examination one or more officers, directors, managing agents or other persons who consent to testify on Jacobsen’s behalf, and who are most knowledgeable on the following subject matters:¹

1. Any and all matters related to the Proof of Claim filed by Jacobsen on or about November 11, 2009, in *In re Easy Street Partners, LLC* (Bankr. Case No. 09-29907).
2. Any and all matters related to Jacobsen’s assertion that the funds on deposit in the Real Estate Sales Account “are not property of the bankruptcy estate and are held in escrow for the benefit of Jacobsen and its subcontractors or that otherwise are

¹ WestLB incorporates by reference the definitions contained in its First Set of Interrogatories previously served upon Jacobsen.

impressed with an express, constructive and/or statutory trust for the benefit of Jacobsen and its subcontractors, or that otherwise are funds which belong to Jacobsen and its subcontractors.”

3. Any and all matters related to Jacobsen’s contention that a portion of Jacobsen’s principal claim includes earned and unpaid retention in the amount of \$432,755.31.
4. Any and all matters relating to any alleged agreements or understandings involving the Debtors and WestLB regarding the use of the funds on deposit in the Real Estate Sales Accounts.
5. Any and all matters relating to Jacobsen’s performance of and payments received in connection with that certain construction contract, AIA Document A121 CMc-2003 and AGC Document 565 (the “Contract”) between Jacobsen and the Debtor Easy Street Partners, LLC.
6. Any and all matters relating to the Mechanics’ Lien recorded by Jacobsen on March 17, 2009, as Entry No. 00867522 in Book 1972, beginning at Page 1050 of the records of the Summit County Recorder.
7. Any and all matters relating to the Final Payment Application, defined as that certain Application and Certification for Payment, Contractor’s Application for Payment, Invoice #: 75015-23R, period to November 12, 2008, signed by Jacobsen and delivered to Easy Street Partners, LLC.

The person or persons so designated shall testify as to matters known or reasonably available to Jacobsen on the designated subject matters. Jacobsen is to notify counsel for

WestLB of the name and position of the person or persons designated and, if more than one person, the subject matters on which each person will testify two (2) days prior to the scheduled deposition.

The Rule 30(b)(6) deposition or depositions shall continue from day to day until completed.

DATED this 29th day of December, 2009.

/s/ Benjamin J. Kotter
Annette Jarvis
Peggy Hunt
Benjamin J. Kotter
DORSEY & WHITNEY LLP

and

Richard W. Havel (10759)
SIDLEY AUSTIN LLP

Attorneys for WestLB, AG

DATED this 29th day of December, 2009.

/s/ Kenneth L. Cannon II
Kenneth L. Cannon II
Steven J. McCardell
DURHAM JONES & PINEGAR, P.C.

and

Michael V. Blumenthal
CROWELL & MORING LLP

Attorneys for Debtors and Debtors-in-Possession

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of December, 2009, a true and correct copy of the foregoing *Notice of Rule 30(b)(6) Deposition of Jacobsen National Group, Inc. d/b/a Jacobsen Construction* (“**Deposition Notice**”) was filed with the Court and served via the Court’s ECF/CM system. Additionally, the Deposition Notice was also served on December 29, 2009, on the following parties via email, addressed as follows:

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/s/ Benjamin J. Kotter